



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Regulations to Support Implementation of the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 and Commencement Order	Date to be published	23 February 2025

List of documents that have been proactively released

Date	Title	Author
December 2025	Regulations to Support Implementation of the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 and Commencement Order	Office of the Minister for Building and Construction
11 December 2025	LEG-25-MIN-0263 Minute	Cabinet Office

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In Confidence

Office of the Minister for Building and Construction
Chair, Cabinet Legislation Committee

Regulations to support implementation of the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 and Commencement Order

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the:
 - 1.1 Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 Commencement Order 2025;
 - 1.2 Building (Forms) Amendment Regulations 2025; and
 - 1.3 Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025.

Policy

- 2 The Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 (the Act) received Royal assent on 24 October 2025.
- 3 The Act delivers on a New Zealand National Party and New Zealand First Coalition commitment, to permit granny flats up to 70 square metres to be built without a building consent, so long as:
 - 3.1 the granny flat has a simple design, as set out in Schedule 1A of the Building Act 2004, and meets the requirements of the Building Code;
 - 3.2 building work is completed or supervised by licensed professionals; and
 - 3.3 homeowners notify their local council before they commence building work and once it is completed.
- 4 Before the exemption can commence, several regulations must be made under the Building Act 2004 and Plumbers, Gasfitters, and Drainlayers Act 2006.
- 5 These regulations will help to ensure:
 - 5.1 a record of what building work has taken place is produced;
 - 5.2 homeowners and territorial authorities can exchange information about the proposed building work and the land to be built on;
 - 5.3 territorial authorities can issue development contribution notices, so the cost of providing, expanding, or upgrading infrastructure to service new granny flats does not fall to third parties; and
 - 5.4 parties can request the Ministry of Business, Innovation and Employment (MBIE) issue a determination on whether the timeframe for which a granny flat must be constructed should be extended

IN CONFIDENCE

beyond two years after the date of issue of the project information memorandum.

- 6 A commencement order is also required to bring the operative parts of the Act that provide for the exemption into force.
- 7 To ensure the exemption can be in force as early as possible in the first quarter of 2026, I sought the Attorney-General's approval for drafting by the Parliamentary Counsel Office in advance of Cabinet policy approvals. This approval was received on 3 November 2025. A full list of the proposed regulations and forms regulations that I seek agreement to submit to the Executive Council is attached in Appendix One.
- 8 These are primarily forms regulations based on existing forms in the Building (Forms) Regulations 2004, along with a new regulation to prescribe what plumbing and drainage work requires a record of work. These straightforward changes are largely based on existing regulations and are routine and non-controversial in nature. These regulations also ensure there are no impacts on property title ownership or records held by Land Information New Zealand.
- 9 To determine the final content and design of forms and regulations, MBIE conducted targeted consultation with industry representatives, licensing bodies, and territorial authorities. These stakeholders were broadly supportive of the proposed regulations and considered them sufficient to ensure effective and consistent implementation of the exemption. Informal drafts of the proposed forms were also shared for comment by councils if desired.

Implementation

- 10 MBIE will publish information to clarify the roles, responsibilities, and compliance requirements associated with the new exemption. This information will clarify compliance pathways and technical requirements to both educate homeowners, councils, and industry professionals and to assist with voluntary compliance and best practice. Key information will include:
 - 10.1 guidance on topics such as foundations and natural hazards;
 - 10.2 readymade templates and forms to use once the exemption commences; and
 - 10.3 resources for homeowners to consider prior to committing to constructing a non-consented small stand-alone dwelling.
- 11 MBIE has worked closely with the Ministry for the Environment to ensure timeframes are aligned with finalising the proposed National Environmental Standards (NES) for Detached Minor Residential Units under the Resource Management Act 1991. The intent is that both the building consent exemption and the NES will come into force at the same time in January 2026.

Timing and 28-day rule

- 12 In line with the 28-day rule, I propose the Building (Forms) Amendment Regulations 2025 and Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025 come into effect on 15 January 2026; and the Building and

IN CONFIDENCE

Construction (Small Stand-alone Dwellings) Amendment Act 2025
Commencement Order 2025 bring the remaining provisions of the Act into
force on the same day.

Compliance

- 13 The regulations comply with:
- 13.1 the principles of the Treaty of Waitangi;
 - 13.2 the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* and the Human Rights Act 1993;
 - 13.3 the principles and guidelines set out in the *Privacy Act 2020*;
 - 13.4 relevant international standards and obligations;
 - 13.5 the Legislation Guidelines (2021 edition), maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 14 I do not consider there are any grounds for the Regulations Review Committee to draw the regulations or commencement order to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 15 Secondary legislation has been prepared and certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 16 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.

Publicity

- 17 Following Executive Council approval, I intend to issue a press release to announce when the Building (Forms) Amendment Regulations 2025 and Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025 will commence. MBIE will advise stakeholders of commencement of the granny flats building consent exemption.

Proactive release

- 18 I propose proactively releasing this Cabinet paper and associated Cabinet minute within 30 business days, subject to any appropriate redactions.

Consultation

- 19 The following departments were consulted on this paper and the draft regulations: The Treasury, Statistics New Zealand, Te Puni Kōkiri, National Emergency Management Agency, Land Information New Zealand, Department of Corrections, Department of Internal Affairs, Department of Conservation, Ministry for the Environment, Ministry for Culture and Heritage,

IN CONFIDENCE

Ministry of Housing and Urban Development, Ministry for Regulation, Ministry of Defence, Ministry of Education, Ministry of Health, Ministry for Primary Industries, Ministry for Pacific Peoples, Ministry of Social Development, and Ministry of Transport.

20 The Department of the Prime Minister and Cabinet has been informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 (the Act) received Royal assent on 24 October 2025 and, excluding the provisions that commenced on the day after Royal assent, the Act comes into force on a date to be set by Order in Council (in line with section 2(1) of the Act);
- 2 **note** before the building consent exemption for small, stand-alone buildings ('granny flats') can commence, several regulations must be made under the Building Act 2004 and Plumbers, Gasfitters, and Drainlayers Act 2006;
- 3 **note** that to accelerate the commencement of the exemption, the Attorney-General approved for regulations to be drafted by the Parliamentary Council Office in advance of Cabinet policy approvals;
- 4 **agree** to the proposed regulations required to implement the granny flats building consent exemption, as set out in Appendix One of this Cabinet paper;
- 5 **agree** for regulations to come into force on 15 January 2026, in line with the 28-day rule, and for the remaining provisions of the Act to come into force on the same day;
- 6 **note** the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 Commencement Order 2025; the Building (Forms) Amendment Regulations 2025; and the Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025 give effect to recommendations 4 and 5 above;
- 7 **authorise** the submission to the Executive Council of the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 Commencement Order 2025; Building (Forms) Amendment Regulations 2025; and Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025;
- 8 **note** that the Building (Forms) Amendment Regulations 2025 and the Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025 will come into force on Thursday 15 January 2026, observing the 28-day rule; and that the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 Commencement Order 2025 will bring the remaining provisions of the Act into force on the same day.

Authorised for lodgement

Hon Chris Penk
Minister for Building and Construction

IN CONFIDENCE

Appendix One: Regulations supporting commencement of the building consent exemption for small, stand-alone dwellings

Key changes	Additional information
Building Act 2004; Building (Forms) Regulations 2004	
1. <i>New form 2AA:</i> Application for project information memorandum for non-consented small stand-alone dwelling	<ul style="list-style-type: none"> The current project information memorandum (PIM) application form is shared with the form for a building consent. A standalone PIM application form is required to ensure the right information is shared with homeowners.
2. <i>New form 2AAB:</i> Project information memorandum for non-consented small stand-alone dwelling	<ul style="list-style-type: none"> A new PIM form is required to standardise the content and form of information provided by territorial authorities to homeowners. No form is currently prescribed for building work.
3. <i>New form 2AAC:</i> Additional information to accompany project information memorandum for non-consented small stand-alone dwelling	<ul style="list-style-type: none"> The building consent exemption requires that additional information be provided in the prescribed form. A new form is required to standardise the content and form of information provided by territorial authorities to homeowners.
4. <i>Updated form 14:</i> Application for determination	<ul style="list-style-type: none"> Form 14 must be updated so that a determination can be sought in relation to a council's refusal or allowance to extend the timeframe of a PIM for a non-consented small stand-alone dwelling.
5. <i>New form 3A:</i> Development contribution notice: non-consented small stand-alone dwelling	<ul style="list-style-type: none"> The existing form for a development contribution notice references the building consent process. A separate form was preferred over updating the existing form.
6. <i>Updated form 2A:</i> Memorandum from licensed building practitioner (Certificate of design work)	<ul style="list-style-type: none"> Two minor changes are required to reference that Form 2A applies to design work on a non-consented small stand-alone dwelling, and that waivers or modifications of the building code apply only to consented building work.
7. <i>Updated Form 6A:</i> Memorandum from licensed building practitioner (Record of work)	<ul style="list-style-type: none"> A minor change to this form is required so that it can apply to work under a building consent, or work on a non-consented small stand-alone dwelling.
Plumbers, Gasfitters, and Drainlayers Act 2006; Plumbers, Gasfitters, and Drainlayers Regulations 2010	
8. <i>New regulation:</i> Prescribed sanitary plumbing or drainlaying in connection with non-consented small stand-alone dwellings	<ul style="list-style-type: none"> The Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 introduces a new definition of 'prescribed sanitary plumbing or drainlaying' and requires registered practitioners or provisional licence holders to provide a record of work to the owner upon completion of work. The intent is that all sanitary plumbing and drainlaying carried out or supervised in connection with the construction of a non-consented small stand-alone dwelling is prescribed sanitary plumbing or drainlaying.
9. <i>New form:</i> Record of work – sanitary plumbing and drainlaying for non-consented small stand-alone dwelling	<ul style="list-style-type: none"> This form is intended to have a similar structure and style to the record of work for restricted building work. It aligns with the conditions set out in Schedule 1A of the Building Act 2004. As a new requirement, no record of work form currently exists for sanitary plumbing and drainlaying.

8 **noted** that the Building (Forms) Amendment Regulations 2025 and the Plumbers, Gasfitters, and Drainlayers Amendment Regulations 2025 will come into force on 15 January 2026, and that the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 Commencement Order 2025 will bring the remaining provisions of the Act into force on the same day.

Tom Kelly
Committee Secretary

Present:

Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Judith Collins KC
Hon Simon Watts
Hon Nicole McKee
Hon Chris Penk
Hon Scott Simpson
Stuart Smith, MP
Todd Stephenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House